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C O N F I D E N T I A L SECTION 1 OF 4 QUITO 6673

E.O. 11652: GDS

TAGS: PLOS PFOR ECT

SUBJECT: LOS: AMBASSADORS MOORE & CLINGAN'S REVISED DRAFTS OF
ARTICLE 53 AND PROPOSED DRAFT ON REGIONAL CONSERVATION
AGREEMENT FOR TUNA

REF: QUITO 6666

1. DURING INFORMAL MEETING WITH GOE ON SEPTEMBER 5 ON PREPARA-
TIONS FOR INFORMAL MEETING OF EASTERN PACIFIC FISHING COUNTRIES
TO DISCUSS ARTICLE 53 AND ITS REGIONAL APPLICATION, AMBASSADORS
MOORE AND CLINGAN GAVE GOE REPRESENTATIVES ON A PERSONAL BASIS
THEIR PROPOSED DRAFTS OF ARTICLE 53 AND A REGIONAL CONSERVATION
AGREEMENT FOR TUNA.

2. AMBASSADOR MOORE WOULD LIKE THE TEXTS OF HIS AND CLINGAN'S
PROPOSED DRAFTS CONVEYED TO THE GOJ, AND THEY WELCOME GOJ'S
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COMMENTS ON THE DRAFTS BEFORE THE NEW YORK MEETING. AMBASSA-

DORS MOORE AND CLINGAN WOULD BE HAPPY TO DISCUSS MATTERS WITH
AMBASSADOR OGISO ON HIS ARRIVAL IN NEW YORK THE WEEK OF
SEPTEMBER 15.

3. THE TEXT FOLLOWS:

ALTERNATIVE A

A REVISED DRAFT OF ARTICLE 53 ON HIGHLY MIGRATORY SPECIES

ARTICLE 53

(1.) THE COASTAL STATE, WHILE EXERCISING THE SOVEREIGN RIGHTS
RECOGNIZED IN THIS CONVENTION, WILL REGULATE, WITHIN ITS
EXCLUSIVE ECONOMIC ZONE, FISHING FOR THOSE HIGHLY MIGRATORY
SPECIES WHICH ARE LISTED IN THE ANNEX, AS PROVIDED IN THIS
ARTICLE.

(2.) THE COASTAL STATE AND THE OTHER STATES WHOSE NATIONALS
FISH FOR HIGHLY MIGRATORY SPECIES IN A REGION SHALL COOPERATE
THROUGH AN APPROPRIATE INTERNATIONAL ORGANIZATION, WITH A
VIEW TO ENSURING THE CONSERVATION AND OPTIMUM UTILIZATION OF
SUCH SPECIES THROUGHOUT THE REGION. IN THOSE REGIONS WHERE
THERE IS NO ADEQUATE INTERNATIONAL ORGANIZATION, THE COASTAL
STATES AND THE OTHER STATES WHOSE NATIONALS FISH FOR THOSE
SPECIES IN THE REGION SHALL ESTABLISH SUCH AN ORGANIZATION
AND PARTICIPATE IN ITS WORK.

(3.) ON THE BASIS OF THE BEST AVAILABLE SCIENTIFIC AND
OTHER PERTINENT INFORMATION, THE MEMBER STATES SHALL, THROUGH
THE ORGANIZATION, AGREE ON RULES AND REGULATIONS TO ENSURE
CONSERVATION AND OPTIMUM UTILIZATION OF THOSE HIGHLY MIGRATORY
SPECIES THROUGHOUT THE REGION, INCLUDING A DETERMINATION OF
THE TOTAL ALLOWABLE CATCH, ALLOCATIONS, AND A UNIFORM SYSTEM
APPLICABLE THROUGHOUT THE REGION OF LICENSES, MATRICULA AND
OTHER PERMITS FOR FISHING VESSELS, AND APPROPRIATE FEES
FOR FISH CAUGHT. THE ORGANIZATION SHALL LIKEWISE PREPARE
RECOMMENDATIONS RELATING AMONG OTHER THINGS TO A UNIFORM
SYSTEM OF FINES AND PENALTIES FOR VIOLATIONS.

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(4)(A). IN DRAWING UP SUCH RULES, REGULATIONS AND RECOM-
MENDATIONS, THE ORGANIZATION SHALL TAKE INTO ACCOUNT ALL
PERTINENT FACTORS AND CIRCUMSTANCES, INCLUDING, AMONG OTHER
THINGS, AN ESTIMATE OF THE FISH POPULATIONS, THEIR MIGRATORY
RANGE AND THE EXTENT OF THEIR EXPLOITATION AND THE EFFECTS
OF THEIR CAPTURE ON ASSOCIATED OR DEPENDENT SPECIES WITH A
VIEW TO MAINTAINING OR RESTORING POPULATIONS OF SUCH ASSOCIATED
OR DEPENDENT SPECIES ABOVE LEVELS AT WHICH THEIR REPRODUCTION

MAY BECOME THREATENED.

(B). RULES AND REGULATIONS SHALL ENSURE THAT THE SPECIES ARE NOT ENDANGERED BY OVER-EXPLOITATION AND SHALL BE DESIGNED TO MAINTAIN OR RESTORE POPULATIONS OF HARVESTED SPECIES AT LEVELS WHICH CAN PRODUCE MAXIMUM SUSTAINABLE YIELD, AS QUALIFIED BY RELEVANT ENVIRONMENTAL AND ECONOMIC FACTORS.

(5.) COASTAL STATES OF THE REGION SHALL BE ENTITLED TO AN APPROPRIATE PREFERENCE AND SUBJECT TO SUCH PREFERENCE ALLOCATIONS SHALL RESPECT NORMAL CATCH AND EXISTING FISHING PATTERNS FOR SUCH SPECIES AND SHALL TAKE INTO CONSIDERATION THE NEEDS AND POSSIBILITIES FOR DEVELOPMENT OF SUCH CAPACITY

FOR FISHING BY THE LESS WELL-DEVELOPED COASTAL STATES OR MIXED ECONOMY COMPANIES OF STATES IN THE REGION.

(6.) PROCEDURES OF THE ORGANIZATION SHALL ENSURE RESPECT FOR THE SOVEREIGN RIGHTS OF EACH STATE PARTY. ACCORDINGLY, RULES AND RECOMMENDATIONS SHALL NOT BE ADOPTED OVER THE OBJECTION OF ANY ATTENDING STATE.

(7.) THE MEMBER STATES OF THE ORGANIZATION SHALL ENSURE THAT THEIR LEGISLATION IS IN AGREEMENT WITH THE RULES AND REGULATIONS DRAWN UP BY THE ORGANIZATION AND THAT THEY TAKE ITS RECOMMENDATIONS INTO CONSIDERATION.

(8.) FISHING BY NATIONALS OF A STATE WILL BE UNDERSTOOD TO MEAN FISHING PERFORMED BY VESSELS WHICH HAVE BEEN DULY REGISTERED BY THAT STATE AND WHICH ARE ENTITLED TO FLY THEIR FLAG. SUCH STATE SHALL EFFECTIVELY EXERCISE ITS JURISDICTION AND CONTROL OVER THOSE VESSELS OPERATING UNDER ITS FLAG AND ENSURE THAT ALL SUCH VESSELS COMPLY WITH THE AGREED RULES
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AND REGULATIONS IN RESPECT OF FISHING FOR HIGHLY MIGRATORY SPECIES.

(9.) IN CONFORMITY WITH ARTICLE 60, THE COASTAL STATE SHALL ADOPT ALL NECESSARY MEASURES FOR THE PURPOSE OF ENSURING, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, THAT ALL VESSELS COMPLY WITH THE AGREED RULES AND REGULATIONS.

(10.) FISHING FOR HIGHLY MIGRATORY SPECIES BEYOND THE EXCLUSIVE ECONOMIC ZONE SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES 103 THROUGH 107 OF THIS CONVENTION.

(11.) NOTHING IN THIS CONVENTION SHALL RESTRICT THE RIGHT OF A COASTAL STATE TO PROHIBIT OR LIMIT THE EXPLOITATION OF MARINE MAMMALS WITHIN ITS EXCLUSIVE ECONOMIC ZONE. STATES

SHALL COOPERATE, EITHER DIRECTLY OR THROUGH APPROPRIATE
INTERNATIONAL ORGANIZATIONS, WITH A VIEW TO THE PROTECTION
AND MANAGEMENT OF MARINE MAMMALS.

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ALTERNATIVE B

A REVISED DRAFT OF ARTICLE 53 ON HIGHLY MIGRATORY SPECIES

ARTICLE 53

(1.) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE
REGULATION WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE
OF FISHING FOR THE HIGHLY MIGRATORY SPECIES LISTED IN THE
ANNEX.

(2.) THE COASTAL STATE AND OTHER STATES WHOSE NATIONALS
FISH HIGHLY MIGRATORY SPECIES IN A REGION SHALL ESTABLISH AN
APPROPRIATE INTERNATIONAL ORGANIZATION TO ENSURE CONSER-

VATION AND OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT
THE REGION, BOTH WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC
ZONE. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANI-
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ZATION EXISTS, THE COASTAL STATE AND OTHER STATES WHOSE
NATIONALS HARVEST THESE SPECIES IN THE REGION SHALL ESTABLISH
SUCH AN ORGANIZATION AND PARTICIPATE IN ITS WORK.

(3.) NOTHING IN THE PRESENT CONVENTION SHALL RESTRICT THE
RIGHT OF A COASTAL STATE TO PROHIBIT OR LIMIT THE EXPLOITATION
OF MARINE MAMMALS WITHIN ITS EXCLUSIVE ECONOMIC ZONE. STATES
SHALL CO-OPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE
INTERNATIONAL ORGANIZATIONS WITH A VIEW TO THE PROTECTION AND
MANAGEMENT OF MARINE MAMMALS.

DRAFT

REGIONAL CONSERVATION AGREEMENT FOR TUNA

AND CERTAIN OTHER SPECIES IN THE EASTERN PACIFIC OCEAN

DECLARATION OF PURPOSE

THE STATE PARTIES TO THIS AGREEMENT:

(1.) RECOGNIZING THE NEED FOR CONSERVATION AND OPTIMUM
UTILIZATION OF HIGHLY MIGRATORY SPECIES;

(2.) AFFIRMING THE DESIRABILITY OF REGIONAL COOPERATION;
AND

(3.) RECOGNIZING THE SOVEREIGN RIGHT OF ALL STATES TO ENTER
INTO AGREEMENTS SERVING THEIR NATIONAL INTERESTS AND THAT
SUCH AGREEMENTS CONSTITUTE AN AFFIRMATION OF NATIONAL
SOVEREIGNTY, HAVE AGREED AS FOLLOWS:

ARTICLE I-

THE STATED PARTIES, CONSISTING OF THE STATES WITHIN THE
GEOGRAPHICAL OR ECOLOGICAL REGION OF THE EASTERN PACIFIC
(HEREINAFTER REFERRED TO AS THE "REGION" AND DESCRIBED IN
ANNEX I) AND STATES OUTSIDE THE REGION WHOSE FLAG VESSELS
HARVEST IN THE REGION TUNA AND THE OTHER SPECIES OF FISH
SET FORTH IN ANNEX II (HEREINAFTER REFERRED TO AS THE "SPECIES"),
SHALL ESTABLISH AN ORGANIZATION FOR THE PURPOSE OF THE
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CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES (HEREIN-
AFTER REFERRED TO AS THE "ORGANIZATION").

ARTICLE II

(1.) STATED PARTIES SHALL AGREE, THROUGH THE ORGANIZATION
ON THE BASIS OF THE BEST SCIENTIFIC EVIDENCE AVAILABLE,
ON ALLOWABLE CATCH AND OTHER CONSERVATION MEASURES THROUGH-
OUT THE REGION, BOTH WITHIN AND BEYOND 200 MILES, # FOR THE
SPECIES.

(2.) SUCH MEASURES SHALL
TAKE INTO CONSIDERATION ALL PERTI-
NENT FACTORS AND CIRCUMSTANCES, INCLUDING AN ESTIMATE OF THE
SPECIES POPULATIONS, THEIR MIGRATORY RANGE AND THE EXTENT
OF THEIR EXPLOITATION, SHALL ENSURE THAT THE SPECIES ARE NOT
ENDANGERED BY OVER-EXPLOITATION, AND SHALL BE DESIGNED TO
MAINTAIN OR RESTORE POPULATIONS OF HARVESTED SPECIES AT
LEVELS WHICH CAN PRODUCE MAXIMUM SUSTAINABLE YIELD, AS
QUALIFIED BY RELEVANT ENVIRONMENTAL AND ECONOMIC FACTORS.

(3.) IN AGREEING ON SUCH MEASURES STATES PARTIES SHALL TAKE
INTO CONSIDERATION THE EFFECTS ON SPECIES ASSOCIATED WITH OR
DEPENDENT UPON HARVESTED SPECIES WITH A VIEW TO MAINTAINING
OR RESTORING POPULATIONS OF SUCH ASSOCIATED OR DEPENDENT
SPECIES ABOVE LEVELS AT WHICH THEIR REPRODUCTION MAY BECOME
THREATENED.

#THE USE OF THE TERM "200 MILES" IS WITHOUT PREJUDICE TO THE
POSITION OF ANY GOVERNMENT WITH RESPECT TO THIS ISSUE OR ITS
DISCUSSION IN OTHER FORUMS.

ARTICLE III

(1.) THE STATED PARTIES SHALL AGREE, THROUGH THE
ORGANIZATION, ANNUALLY ON ALLOCATIONS OF THE SPECIES TO

PROMOTE THE PURPOSES OF THE ORGANIZATION.

(2.) IN THE EVENT THAT A PARTY IS UNABLE TO HARVEST ALL OF
ITS ALLOCATED SHARE OF A SPECIES, IT SHALL LICENSE OTHER
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STATE PARTIES TO HARVEST THE SURPLUS UNDER TERMS AND CONDI-
TIONS AS AGREED OR ARRANGEMENT EXISTING BETWEEN THE INTERESTED
STATES.

ARTICLE IV

(1.) IN AGREEING ON ALLOCATIONS, COASTAL STATE PARTIES SHALL BE ENTITLED TO A PREFERENCE TO THE SPECIES FOR VESSELS OF THAT STATE WHICH FISH EXCLUSIVELY WITHIN 200 MILES FROM THE BASELINE FROM WHICH THE TERRITORIAL SEA IS MEASURED.

(2.) SUBJECT TO THE PREFERENCE OF COASTAL STATE PARTIES, AS SETOUT IN PARAGRAPH 1 ABOVE, ALLOCATIONS SHALL RESPECT NORMAL CATCH AND EXISTING PATTERNS OF FISHING FOR THE SPECIES BY THE PARTIES AND SHALL TAKE INTO CONSIDERATION THE NEEDS AND POSSIBILITIES FOR DEVELOPMENT OF THE CAPACITY FOR FISHING BY THE LESS WELL-DEVELOPED COASTAL STATES OR MIXED ECONOMY COMPANIES OF STATES IN THE REGION.

ARTICLE V

(1.) STATES PARTIES SHALL AGREE, THROUGH THE ORGANIZATION, ON A SYSTEM FOR THE COLLECTION OF DATA, INCLUDING INTER ALIA STATISTICS FOR LANDING AND FISHING EFFORT, AND ON A UNIFORM SYSTEM, FSAPPLICABLE THROUGHOUT THE REGION, OF (I) LICENSES, MATRICULA AND OTHER PERMITS FOR FISHING VESSELS, (II) APPROPRIATE FEES FOR FISH CAUGHT, AND (III) FINES AND PENALTIES FOR VIOLATIONS.

(2.) COASTAL AND OHHER STATES FISHING IN THE REGION SHALL TAKE MEASURES TOBE SURE IMPLEMENTATION OF THE MEASURES AGREED PURSUANT TO PARAGRAPH (1) OF THIS ARTICLE.

ARTICLE VI

(1.) THE FEES FOR THE SPECIES CAUGHT WITHIN 200 MILES OF THE BASELINES FROM WHICH THE TERRITORIAL SEA IS MEASURED OF EACH STATE PARTY SHALL BE PAID TO THAT STATE. THE FEES FOR THE SPECIES CAUGHT WITHIN THE REGION BUT BEYOND 200 MILES OF THE COAST OF EACH STATE PARTY SHALL BE USED BY THE ORGANIZATION FOR PAYMENT OF ITS EXPENSES AND DISTRIBU-
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TION OF THE SURPLUS, IF ANY, AS DETERMINED BY STATES PARTY THROUGH THE ORGANIZATION.

(2.) THE STATE PARTIES SHALL AGREE THROUGH THE ORGANIZATION, ON MEASURES TO ENSURE FULL COMPLIANCE WITH THIS PROVISION.

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ARTICLE VIIOT

(1.) THE STATE PARTIES SHALL AGREE, THROUGH THE ORGANIZATION, ON A UTIFORM COOPERATIVE SYSTEM OF ENFORCEMENT APPLICABLE THROUGHOUT THE REGION, INCLUDING PROCEDURES FOR INSPECTION, ARREST, AND FINES AND PENALTIES FOR VIOLATIONS.

(2.) EACH STATEHNARTY SHALL MAKE IT AN OFFENSE FOR ITS FLAG VESSELS TO VIOLATE THE REGULATIONS OF THE ORGANIZATION, AND SHALL COOPERATE WITH OTHER STATE PARTIES TO ENSURE COMPLIANCE WITH SUCH REGULATIONS.

(3.) WITHIN 200 MILES FROM THE BASELINES FROM WHICH THE TERRITORIAL SEA IS MEASURED, THE COASTAL STATE MAY TAKE SUCH ENFORCEMENT MEASURES, INCLUDING INSPECTION, ARREST, TRIAL AND FINES AND PENALTIES AS MAY BE NECESSARY TO ENSURE COMPLIANCE WITH THE AGREED RULESEND REGULATIONS OF THE ORGANIZATION OR ITS OWN LAWS WHICH IMPLEMENT THE AGREED REGULATIONS OF THE ORGANIZATION. SUCH MEASURES SHALL BE NONDISCRIMINATORY. THEY SHALL PROVIDE FOR PROMPT RELEASE OF VESSELS, MASTERS,
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AND CREWS UPON THE POSTING OF REASONABLE BOND
OR OTHER SECURITY.

COASTAL STATE PENALTIES FOR VIOLATIONS OF FISHERIES REGULA-
TIONS WITHIN 200 MILES SHALL NOT INCLUDE IMPRISONMENT OR
ANY

OTHER FORM OF CORPORAL PUNISHMENT FOR MASTERS OR CREWS.

(4.) IN CASES OF ARREST OR DETENTION OF FOREIGN VESSELS
THE COASTAL STATE SHALL PROMPTLY NOTIFY, THROUGH APPROPRIATE
CHANNELS, THE STATE OF REGISTRY OF THE ACTION TAKEN AND OF ANY
PENALTIES SUBSEQUENTLY IMPOSED.

(5.) THE ORGANIZATION SHALL ESTABLISH PROCEDURES FOR
MUTUAL INSPECTION AND ARREST OF VESSELS OF STATE PARTIES FOR
VIOLATION OF THE REGULATIONS OF THE ORGANIZATION BEYOND THE
ECONOMIC ZONE. ARRESTED VESSELS SHALL BE PROMPTLY DELIVERED
TO THE DULY AUTHORIZED OFFICIALS OF THE FLAG STATE FOR LEGAL
PROCEEDINGS. THE FLAG STATE SHALL NOTIFY THE ORGANIZATION OF
THE DISPOSITION OF THE CASE WITHIN SIX MONTHS.

(6.) THE STATE PARTIES SHALL EXCHANGE INFORMATION AND TAKE
SUCH OTHER COOPERATIVE MEASURES AS MAY BE AGREED UPON TO
ENSURE EFFECTIVE ENFORCEMENT.

ARTICLE VIII

FISHING BY NATIONALS OF A STATE SHALL BE UNDERSTOOD
TO MEAN FISHING PERFORMED BY VESSELS WHICH HAVE BEEN DULY
REGISTERED BY THE STATE AND WHICH ARE ENTITLED TO FLY
THEIR FLAG. SUCH STATE SHALL EFFECTIVELY EXERCISE
ITS JURISDICTION AND CONTROL OVER THOSE VESSELS OPERATING
UNDER ITS FLAG AND ENSURE THAT ALL SUCH VESSELS COMPLY WITH
THE AGREED MEASURES IN RESPECT OF FISHING FOR THE SPECIES.

ARTICLE IX

THE ORGANIZATION SHALL ALSO:

(I) MAKE INVESTIGATIONS CONCERNING THE ABUNDANCE,
BIOLOGY, BIOMETRY, AND ECOLOGY OF THE SPECIES IN THE
REGION, AND THE KINDS OF FISH COMMONLY USED AS BAIT IN THE
SAID FISHERIES, ESPECIALLY THE ANCHOVETTA; AND THE EFFECTS
OF NATURAL FACTORS AND HUMAN ACTIVITIES ON THE ABUNDANCE
OF THE POPULATIONS OF FISH SUPPORTING ALL THESE FISHERIES;

(II) COLLECT AND ANALYZE INFORMATION RELATING TO
CURRENT AND PAST CONDITIONS AND TRENDS OF THE POPULATIONS
OF THE SPECIES;

(III) STUDY AND APPRAISE INFORMATION CONCERNING
METHODS AND PROCEDURES FOR MAINTAINING AND INCREASING THE
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SPECIES;

(V) CONDUCT SUCH FISHING AND OTHER ACTIVITIES AS
MAY BE NECESSARY TO ATTAIN THE ENDS REFERRED TO IN (I),
(88), AND (888) OF THIS ARTICLE;

(V) COLLECT STATISTICS AND ALL KINDS OF REPORTS
CONCERNING CATCHES AND THE OPERATIONS OF FISHING BOATS,
AND OTHER INFORMATION CONCERNING FISHING FOR THE SPECIES

FROM VESSELS OR PERSONS ENGAGED IN THESE FISHERIES;

(VI) PUBLISH OR OTHERWISE DISSEMINATE REPORTS RELATIVE TO THE RESULTS OF ITS FINDINGS AND SUCH OTHER REPORTS AS FALL WITHIN THE SCOPE OF THIS CONVENTION, AS WELL AS SCIENTIFIC, STATISTICAL, AND OTHER DATA RELATING TO THE SPECIES MAINTAINED BY THE NATIONS OF THE STATE PARTIES; AND

(VII) ASSIST THE STATE PARTIES THROUGH PROGRAMS FOR TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF FISHERIES FOR THE SPECIES.

ARTICLE X

(1) THE ORGANIZATION SHALL BE COMPOSED OF NATIONAL SECTIONS, EACH CONSISTING OF FROM ONE TO FOUR MEMBERS APPOINTED BY THE GOVERNMENTS OF THE RESPECTIVE STATE PARTIES OF EACH OF WHICH SHALL BE FINANCED BY THE RESPECTIVE STATE PARTIES.

(2) THE ORGANIZATION SHALL SUBMIT ANNUALLY TO THE GOVERNMENT OF EACH STATE PARTY A FINANCIAL STATEMENT AND A REPORT ON ITS INVESTIGATIONS, AND FINDINGS AND OTHER ACTIVITIES.

(3) THE ORGANIZATION SHALL DECIDE ON THE MOST CONVENIENT PLACE OR PLACES FOR ITS HEADQUARTERS.

(4) THE ORGANIZATION SHALL MEET AT LEAST ONCE EACH YEAR, AND AT SUCH OTHER TIMES AS MAY BE REQUESTED BY A NATIONAL SECTION. THE DATE AND PLACE OF THE FIRST MEETING SHALL BE DETERMINED BY AGREEMENT BETWEEN THE STATES PARTIES.

(5) AT ITS FIRST MEETING THE ORGANIZATION SHALL SELECT A CHAIRMAN AND A SECRETARY FROM DIFFERENT NATIONAL SECTIONS. THE CHAIRMAN AND THE SECRETARY SHALL HOLD OFFICE FOR A PERIOD OF ONE YEAR. DURING SUCCEEDING YEARS, SELECTION OF THE CHAIRMAN AND THE SECRETARY FROM THE NATIONAL SECTIONS SHALL BE IN SUCH A MANNER THAT THE CHAIRMAN AND THE SECRETARY WILL BE OF DIFFERENT NATIONALITIES AND THAT EACH STATE PARTY WILL HAVE, IN TURN, AN OPPORTUNITY TO BE REPRESENTED IN THOSE OFFICES.

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(6) PROCEDURES OF THE ORGANIZATION SHALL ENSURE RESPECT FOR THE SOVEREIGN RIGHTS OF EACH STATE PARTY. ACCORDINGLY, DECISIONS, RESOLUTIONS AND PUBLICATIONS SHALL NOT BE TAKEN OVER THE OBJECTION OF ANY STATE PARTY.

(7) THE ORGANIZATION SHALL BE ENTITLED TO ADOPT AND TO AMEND SUBSEQUENTLY, AS OCCASION MAY REQUIRE, BY-LAWS OR RULES FOR THE CONDUCT OF ITS MEETINGS.

(8) THE ORGANIZATION SHALL BE ENTITLED TO EMPLOY NECESSARY PERSONNEL FOR THE PERFORMANCE OF ITS FUNCTIONS AND DUTIES.

(9) EACH STATE PARTY SHALL BE ENTITLED TO ESTABLISH AN ADVISORY COMMITTEE FOR THIS SECTION, TO BE COMPOSED OF PERSONS

WHO SHALL BE WELL INFORMED CONCERNING PROBLEMS OF COMMON CONCERN. EACH SUCH ADVISORY COMMITTEE MAY BE INVITED TO ATTEND THE NONEXECUTIVE SESSIONS OF THE ORGANIZATION.

(10) THE ORGANIZATION MAY HOLD PUBLIC HEARINGS. EACH NATIONAL SECTION ALSO MAY HOLD PUBLIC HEARINGS WITHIN ITS OWN COUNTRY.

(11) THE ORGANIZATION SHALL DESIGNATE A DIRECTOR OF INVESTIGATIONS WHO SHALL BE TECHNICALLY COMPETENT AND WHO SHALL BE RESPONSIBLE TO THE ORGANIZATION AND MAY BE FREELY REMOVED BY IT. SUBJECT TO THE INSTRUCTION OF THE ORGANIZATION AND WITH ITS APPROVAL, THE DIRECTOR OF INVESTIGATIONS SHALL HAVE CHARGE OF:

(A) THE DRAFTING OF PROGRAMS OF INVESTIGATIONS,

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AND THE PREPARATION OF BUDGET ESTIMATES FOR THE ORGANIZATION;

(B) AUTHORIZING THE DISBURSEMENT OF THE FUNDS FOR THE JOINT EXPENSES OF THE ORGANIZATION;

(C) THE ACCOUNTING OF THE FUNDS FOR THE JOINT
EXPENSES OF THE ORGANIZATION;

(D) THE APPOINTMENT AND IMMEDIATE DIRECTION OF
TECHNICAL AND OTHER PERSONNEL REQUIRED FOR THE FUNCTIONS
OF THE ORGANIZATION;

(E) ARRANGEMENTS FOR THE COOPERATION WITH OTHER
ORGANIZATIONS OR INDIVIDUALS IN ACCORDANCE WITH PARAGRAPH
14 OF THIS ARTICLE;

(F) THE COORDINATION OF THE WORK OF THE ORGANIZATION
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WITH THAT OF ORGANIZATIONS AND INDIVIDUALS WHOSE COOPER-
ATION HAS BEEN ARRANGED FOR;

(G) THE DRAFTING OF ADMINISTRATIVE, SCIENTIFIC AND
OTHER REPORTS FOR THE ORGANIZATION; AND

(H) THE PERFORMANCE OF SUCH OTHER DUTIES AS THE
ORGANIZATION MAY REQUIRE.

(12) THE OFFICIAL LANGUAGES OF THE ORGANIZATION SHALL
BE ENGLISH AND SPANISH, AND MEMBERS OF THE ORGANIZATION
MAY USE EITHER LANGUAGE DURING MEETINGS. WHEN REQUESTED,
TRANSLATION SHALL BE MADE TO THE OTHER LANGUAGE. THE
MINUTES, OFFICIAL DOCUMENTS, AND PUBLICATIONS OF THE
ORGANIZATION SHALL BE IN BOTH LANGUAGES, BUT OFFICIAL
CORRESPONDENCE OF THE ORGANIZATION MAY BE WRITTEN, AT
THE DISCRETION OF THE SECRETARY, IN EITHER LANGUAGE.

(13) EACH NATIONAL SECTION SHALL BE ENTITLED TO OBTAIN
CERTIFIED COPIES OF ANY DOCUMENTS PERTAINING TO THE
ORGANIZATION, EXCEPT THAT THE ORGANIZATION WILL ADOPT AND
MAY AMEND SUBSEQUENTLY RULES TO ENSURE THE CONFIDENTIAL
CHARACTER OF RECORDS OF STATISTICS OF INDIVIDUALS, CATCHES
AND COMPANY OPERATIONS.

(14) IN THE PERFORMANCE OF ITS DUTIES AND FUNCTIONS THE
ORGANIZATION MAY REQUEST THE TECHNICAL AND SCIENTIFIC
SERVICES OF, AND INFORMATION FROM, OFFICIAL AGENCIES OF
THE STATE PARTIES, AND ANY INTERNATIONAL, PUBLIC, OR PRI-
VATE INSTITUTION OR ORGANIZATION, OR ANY PRIVATE
INDIVIDUAL.

ARTICLE XI

THE STATE PARTIES SHALL ENSURE THAT THEIR LEGIS-

LATION IS IN AGREEMENT WITH THE MEASURES AGREED THROUGH
THE ORGANIZATION.

ARTICLE XII

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO
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PRECLUDE:

(I) A STATE PARTY FROM ENTERING INTO TREATIES
OR CONVENTIONS WITH OTHER STATES REGARDING THESE FISHERIES,
THE TERMS OF WHICH ARE NOT INCOMPATIBLE WITH THIS
CONVENTION; OR

(II) ASSOCIATION CONTRACTS OR OTHER LEGAL
ARRANGEMENTS CONSISTENT WITH THE TERMS OF THIS AGREEMENT.

ARTICLE XIII

AT ANY TIME AFTER THE EXPIRATION OF FIVE YEARS FROM
THE DATE OF ENTRY INTO FORCE OF THIS AGREEMENT, ANY STATE
PARTY MAY REQUEST A REVIEW OF ITS PROVISIONS WITH A VIEW
TO IMPROVING THE EFFECTIVENESS OF THE ORGANIZATION IN
CARRYING OUT ITS PURPOSES.

ARTICLE XIV

(FINAL CLAUSES)

ANNEX I

THE REGION OF THE EASTERN PACIFIC

(TO BE DETERMINED)

ANNEX II

HIGHLY MIGRATORY SPECIES

1. ALBACORE TUNA
2. BLUEFIN TUNAS
3. BIGEYE TUNA
4. SKIPJACK TUNAS

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5. YELLOWFIN TUNA
 6. BLACKFIN TUNA
 7. LITTLE TUNA
 8. FRIGATE MACKERELS
 9. POMFRETS
 10. MARLIN
 11. SAILFISHES
 12. SWORDFISH
 13. SAURIES
 14. DOLPHIN (FISH)
 15. OCEANIC SHARKS
 16. CETACEANS (WHALES AND PORPOISES)
- BREWSTER

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